

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LABORATORY CHARTER SCHOOL	:	CIVIL ACTION
	:	
v.	:	No. 21-5538
	:	
M.R.S., by and through her Parent, S.S.,	:	
and her Parent individually	:	

ORDER

AND NOW, this 27th day of May, 2025, upon consideration of Defendants/Counterclaim Plaintiffs M.R.S. and S.S.’s Motion for Decision and Judgment on the Administrative Record (ECF No. 47), the parties’ briefing on remand related to whether M.R.S. was denied a FAPE during the 2020-2021 school year, and the arguments made by the parties during the November 6, 2024 oral argument, and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED the Motion is GRANTED. It is FURTHER ORDERED:

1. The portion of Hearing Officer James Gerl’s decision dated June 28, 2022, ODR No. 26014-21-22, finding in favor of Laboratory Charter School (“Lab Charter”) is REVERSED. The Hearing Officer’s finding that Lab Charter provided M.R.S. a FAPE during the 2020-2021 school year, and the denial of compensatory education for that timeframe is REVERSED.
2. M.R.S. and S.S. are awarded full days of compensatory education from Lab Charter for its denial of FAPE to M.R.S. for each school day that Lab Charter was in session during the 2020-2021 school year, reduced by the number of school days Lab Charter was in session in September 2020 and October 2020.
3. S.S. may decide how the compensatory education is provided. The compensatory education may take the form of any appropriate developmental, remedial, or enriching educational

service, product, or device for M.R.S.'s educational and related service needs. The compensatory education services may be used at any time from the present until M.R.S. turns age twenty-one. The compensatory education services shall be provided by appropriately qualified professionals selected by S.S. The cost to Lab Charter of providing the awarded days of compensatory education may be limited to the average market rate for private providers of those services in the county where Lab Charter is located.

4. M.R.S. and S.S. are the prevailing parties in this litigation and are entitled to an award of reasonable attorneys' fees and costs. M.R.S. and S.S. are to submit a supplemental motion for award of prevailing party attorneys' fees and costs by **June 24, 2025**.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.